

ATTACHMENT A

Remarks

Considering the matters raised in the Office Action in the same order as raised, and turning to the first substantive matter raised, claim 24 has been rejected under 35 USC 112, second paragraph, as being "indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention." It is believed that this rejection is well taken and claim 24 has been amended to clarify the scope of the claim by reciting that the personnel profile being claimed is "of at least two users" and by reciting that the "means for transferring information" transfers information "based at least in part on a priority of a first one of the at least two users relative to another one of the at least two users." The Examiner is thanked for pointing out the lack of clarity in claim 24.

Claim 1, 3-7, 9, 11, 13 and 17-20 have been rejected under 35 USC 103(a) as being unpatentable over a newly cited Jiang patent. This rejection is respectfully traversed although some of the claims have been amended to more clearly bring out the distinctions between the present invention and the Jiang patent.

In rejecting these claims the Examiner admits that "Jiang did not explicitly state executing an additional information transfer completed within the remaining time period." The Examiner, however, contends that the Jiang "system tracks the time period during which communications can be made as well as the time it takes to transfer a first content" and thus that "the system clearly maintains the remaining time, simply the difference." The Examiner also points out that the Jiang "system utilizes a unified content access layer that optimizes content transfer" and concludes that it "would have been clear to one of ordinary skill in the art that the additional content should be transferred in the remaining time if possible as this would clearly optimize the content transfer overall."

It is respectfully submitted that the Examiner is reading more into the Jiang patent than is actually disclosed therein. The Jiang patent is certainly concerned with ensuring that information is transmitted during a predicted time period. However, there appears to be no specific teaching of tracking the remaining time after a first transmittal

and, more importantly, no teaching of executing an additional information transfer during the remaining time period. It is agreed that this feature of the present invention is a desirable one, but this does not render the feature obvious. In fact, it is respectfully submitted that the opposite is true given the actual teachings of Jiang.

The dependent claims are patentable for at least the reasons set forth above in support of the patentability of the claims parent thereto. Further, some of the dependent claims are separately patentable. For example, claim 1 recites that the predicting means predicts the time period based on at least one of data rate and file priority. It is respectfully submitted that Jiang does not teach this feature and, in particular, does not teach this feature at lines 1-17 of column 9 (the lines cited by the Examiner). The latter lines relate to a feature of the Jiang patent wherein the time of delivery is selected so as to be at the lowest cost, and is determined using the curve of Figure 10 by the "application 47" which then makes a request of the "communication manager 36."

Claims 15, 16, 21, 22 and 24 have been rejected under 35 USC 103(a) as being unpatentable over the newly cited Jiang patent in view of the previously cited Hall patent. This rejection is respectfully traversed.

Claim 21, as amended, clarifies the meaning of the word "priority" used in that claim, and, more specifically, recites that the means for transferring the information transfers the information based at least in part on a priority determination, for information transferred, determined by said determining means from the personal profile of the at least one user, so that information having the highest priority is transferred first. It is respectfully submitted that this feature is not disclosed by either reference.

As pointed out by the Examiner, the Hall reference does provide for creation of a user profile which specifies various user preferences "related to such things as software programs, communications and messaging, entertainment, scheduling and a degree of freedom and behavior of the PAD itself." However, it is respectfully submitted that there is no teaching in this reference of basing the transfer of information on a priority determined from the user profile, as claimed in claim 21. Regarding Jiang, the Examiner has made reference to column 11, lines 8-45. However, it is respectfully submitted that these lines do not disclose transferring information based on a personal

profile of the at least one user, much less based on a priority as claimed. In this regard, the lines in question concern the "Drive-By InfoFueling" feature of the Jiang patent including the provision of a series of "InfoFueling Stations" 45.

It is noted that claim 13 has been amended to include a corresponding feature and thus claim 13 distinguishes over the prior art for this reason as well.

Dependent claim 24, which depends from claim 21 and which was discussed above, further provides that the transfer of information is based at least in part on the priority of a first one of at least two users relative to another one of these users as determined from the personal profiles of the first user and the other of the at least two users. Again, this feature is simply not disclosed in, nor suggested by, the Hall reference or the Jiang reference.

It is noted that a number of the other dependent claims set forth features which are not disclosed in the Hall and Jiang patents. For example, claim 15 recites that the "vehicle status determining step includes at least one of engine status, passenger status, door status, trunk status, hood status, and fuel cap status." It is respectfully submitted that this feature is not taught by either of the reference. Moreover, applicant respectfully disagrees with the contention by the Examiner that this feature is obvious. To the extent that the Hall patent can be said to be predicting a "time period" at all, this is done in connection with, for example, turning on lights, heat, etc "based on owner's location and time of arrival" (see lines 25-39 of column 7, cited by the Examiner). There is nothing disclosed in Hall which would lead to the determination of the status of the various vehicle-related items claimed in claim 15, given the actual teachings of the Hall patent.

Amended claim 6 is similar to claim 15 but provides that the time period predicting step is based on at least one of a group corresponding to that of claim 15.

Further, dependent claim 17 provides that the selecting step is based at least in part on one of file importance and file priority. In this regard, while the Hall patent discusses different data types in the paragraph bridging columns 7 and 8 (the paragraph referred to by the Examiner), there is no disclosure in the Hall patent of the

subject matter of claim 17. Moreover, there is clearly no disclosure of this feature in the Jiang patent.

Allowance of the application in its present form is respectfully solicited.

END REMARKS